

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

GUARANTY RESIDENTIAL LENDING,  
INC., a Nevada Corporation, and  
ASSURAFIRST FINANCIAL COMPANY,  
a Michigan Corporation d/b/a HOMESTEAD  
USA and HOMESTEAD MORTGAGE

Plaintiffs, Counter-Defendants,  
Cross-Plaintiffs

CASE NO. 04-74842

-vs-

HOMESTEAD MORTGAGE COMPANY,  
L.L.C., a Michigan Corporation

PAUL D. BORMAN  
UNITED STATES DISTRICT JUDGE

Defendant, Counter-Plaintiff, and

BOB FITZNER d/b/a HOMESTEAD  
MORTGAGE CO., an Individual

Counter-Plaintiff, Cross-Defendant

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**ORDER GRANTING MOTION OF THE FEDERAL DEPOSIT INSURANCE  
CORPORATION TO SUBSTITUTE AS THE REAL PARTY IN INTEREST FOR  
GUARANTY RESIDENTIAL LENDING, INC. PURSUANT TO  
FEDERAL RULE OF CIVIL PROCEDURE 25(c)**

This matter comes before the Court on the motion of the Federal Deposit Insurance Corporation, in its capacity as Receiver for Guaranty Bank (“FDIC Receiver”), pursuant to Federal Rule of Civil Procedure 25(c), to substitute itself for Guaranty Residential Lending, Inc. as the real party in interest in this action.<sup>1</sup> The Court hereby GRANTS the motion and substitutes the FDIC

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<sup>1</sup> On November 29, 2007, Guaranty Residential Lending, Inc. merged into Guaranty Bank, Austin, TX. (FDIC Mot. Dkt. No. 230, Ex. A.) On August 21, 2009, Guaranty Bank was closed by the Office of Thrift Supervision and the FDIC was appointed receiver. (FDIC Mot. Dkt. No. 230, Ex. B.)

Receiver as the real party in interest for Guaranty Residential Lending, Inc. effective September 29, 2009.

**IT IS SO ORDERED.**

S/Paul D. Borman

PAUL D. BORMAN

UNITED STATES DISTRICT JUDGE

Dated: December 21, 2009

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on December 21, 2009.

S/Denise Goodine

Case Manager